

EXHIBIT BB

DC-804
Part 1COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF CORRECTIONS
P.O. BOX 598
CAMP HILL, PA 17001-0598

FOR OFFICIAL USE ONLY

49518
GRIEVANCE NUMBER

PAGE 1

OFFICIAL INMATE GRIEVANCE

| | | |
|--|-----------------------------|------------------|
| TO: FACILITY GRIEVANCE COORDINATOR ANGIE MARHEFKA | FACILITY: GREENSBURG | DATE: 4-16-03 |
| FROM: (INMATE NAME & NUMBER) CASSIUS M. CLAY DQ5954 | SIGNATURE of INMATE: | |
| WORK ASSIGNMENT: PM JANITIOR | HOUSING ASSIGNMENT: L-16 | |

INSTRUCTIONS:

1. Refer to the DC-ADM 804 for procedures on the inmate grievance system.
2. State your grievance in Block A in a brief and understandable manner.
3. List in Block B any actions you may have taken to resolve this matter. Be sure to include the identity of staff members you have contacted.

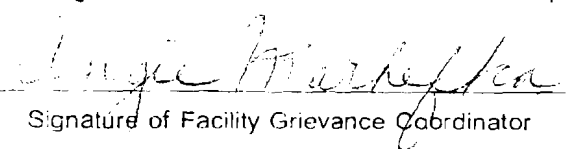
A. Provide a brief, clear statement of your grievance. Additional paper may be used, maximum two pages.

On 4-15-03, I placed my P.C.R.A. Petition in the mail. Later on that day my Petition came back with Insufficient funds marked on it. The day before, on 4-14-03, I stopped the mail lady to talk to her, and specifically told her, that I had a Petition that had to go out, and I Anticipate money to come in later this week. She said that; if you are indigent then you have to write to the business office to be placed on indigent status. I told her that, indigent status did not apply to me, and that I have a Deadline that I have to meet, and I Anticipate money to come in so I can have my account debited, but I will also write the business office anyway. (inwhich I did). On 4-16-03, I waited for the mail lady to come to the unit, to see why my Petition was not mailed. While I was waiting, I remembered what C.O. Starks told me the day before, to talk to Mr. Dibridige the first thing in the morning to address the situation. While waiting I saw him outside his office, and I proceeded to talk to him about the situation, of what the DC-ADM 803 states, for ANTICIPATED Postage on page 11, (b); that any Inmate, that has a Petition to be filed into the Courts, but does not have the money on the books, can have their account Debited in order to satisfy the Courts Deadline.

B. List actions taken and staff you have contacted, before submitting this grievance.

1. Talked to Mrs. Candis Brimmer, and Mr. Harrison, they both as noted above said that; This section was for Indigent Inmates, but I tried to explain that it wasn't, and in other Prisions they go by this Example that I was trying to Explain.

~~2. Also talked to Mr. Dibridige, who told me to talk to Mr. Harrison.~~
Your grievance has been received and will be processed in accordance with DC-ADM 804.


Signature of Facility Grievance Coordinator


Date

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Part 1COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF CORRECTIONS
P.O. BOX 598
CAMP HILL, PA 17001-0598

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49518
GRIEVANCE NUMBER

PAGE 2

OFFICIAL INMATE GRIEVANCE

| | | |
|---|-----------------------------|------------------|
| TO: FACILITY GRIEVANCE COORDINATOR ANGIE MARHEFKA | FACILITY: GREENSBURG | DATE: 4-16-03 |
| FROM: (INMATE NAME & NUMBER) CASSIUS M. CLAY DQ5954 | SIGNATURE of INMATE: | |
| WORK ASSIGNMENT: PM Janitor | HOUSING ASSIGNMENT: L-16 | |
| INSTRUCTIONS: 1. Refer to the DC-ADM 804 for procedures on the inmate grievance system. 2. State your grievance in Block A in a brief and understandable manner. 3. List in Block B any actions you may have taken to resolve this matter. Be sure to include the identity of staff members you have contacted. | | |
| A. Provide a brief, clear statement of your grievance. Additional paper may be used, maximum two pages. Mr. Dibridige told me to see Mr. Harrision, and if he did not know what to do to come back and see him. I then went in to see Mr. Harrision, and he said to show the mail lady the DC-ADM 803 Policy, wich I only had Page 11, that applied to me, so when I went back to the block about 8:00 to wait, Mrs. candis brimmer(the mail lady) came, and after she done her job, I ask to speak with her, and then I went on to show her the Policy, which she still said that as we talked yesterday, that I needed to be indigent, then Mr. Harrision came and joined in and said the same, but I told him they are Misinterpreting what the Policy states. I also told them that Other prisions that I have been in Have done this for the inmates, at Mahanoy, and Houtzdale, as other inmates also stated to them. when I asked her again why the Petition came back, She said that she knew that it was going to get sent back cause they put the insuficient funds on it yesterday, although I did not show her my pink money reciept, she said that I was in the red for \$24.00, and when I asked why, she did not know how or why just that I was in the red. I finally told her that I will put this back in to be addressed again, and she said that It would get sent back again. This is Denying me Access to the Court. I ask that, my petition be sent, and Myaccount Charged a Debit. | | |
| B. List actions taken and staff you have contacted, before submitting this grievance. | | |

Your grievance has been received and will be processed in accordance with DC-ADM 804.

Angie Marhefka
Signature of Facility Grievance Coordinator

4-18-03
Date

DC-304
Part 2COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF CORRECTIONS
P.O. BOX 598
CAMP HILL, PA 17001OFFICIAL INMATE GRIEVANCE
INITIAL REVIEW RESPONSE

GRIEVANCE NO.

49518

| | | | |
|--|----------------------------|--------------------------|----------------------------|
| TO: (Inmate Name & DC No.) Cassius Clay DQ-5954 | FACILITY SCI-GREENSBURG | HOUSING LOCATION L-16 | GRIEVANCE DATE 04-18-03 |
|--|----------------------------|--------------------------|----------------------------|


The following is a summary of my findings regarding your grievance:

When citing a policy, you must take into account all information pertaining to the subject matter you reference. In this case, you cite a sub-section of the DC-ADM 815 found on page 11 and assert that based on that limited information, you are entitled to anticipate funds to mail a Petition for Review.

You overlook the fact, however, that the sub-section you cite falls under the criteria set forth for section C, Stationary, Pen, and Postage for Indigent Inmates, and begins on page 9 of the DC-ADM 815. In paraphrasing this section, it provides that indigent inmates shall be able to anticipate the cost for postage to file papers necessary to the good-faith pursuit of legal remedies.

Accordingly, you would have to meet the definition given in the DC-ADM 815 for indigent inmate before you could anticipate postage to mail a Petition for Review. If you meet that definition, you can obtain an application from the inmate library to apply for and seek approval to be given that status for a 30-day period.

cc: Angie Marhefka
Records Office
Mr. Popyak
file

| | | |
|---|--|-----------------|
| Print Name & Title of Grievance Officer Jack Loughry Business Manager | SIGNATURE OF GRIEVANCE OFFICER  | DATE 4/21/03 |
|---|--|-----------------|

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

| | | |
|------------------------------|---|---|
| CASSIUS CLAY, SR., |) | |
| |) | |
| Plaintiff, |) | |
| |) | Civil Action No. 05-125E |
| v. |) | Judge Sean J. McLaughlin |
| |) | Mag. Judge Susan Paradise Baxter |
| TRACY REEVES, et al., |) | |
| |) | |
| Defendants. |) | |

DECLARATION OF TRACY POLLOCK

I, Tracy Pollock, verify that the foregoing information is true and correct to the best of my personal knowledge or information and belief.

1. I am presently employed by the Commonwealth of Pennsylvania, Department of Corrections, as a Grievance Review Officer in the Grievance Review Office. As part of my duties, I am responsible for reviewing grievance records of appeals. The Secretary's Office of Inmate Grievances and Appeals conducts the final review of inmate grievances, in accord with Administrative Directive 804. This directive is part of the Inmate Handbook, which is provided to each inmate and serves as the rules and regulations of the institution.

2. A grievance must be appealed through all administrative levels of appeal at an inmate's institution and the Department of Corrections. DC-ADM 804 outlines the necessary steps. Once an inmate has complied with all of the procedural requirements and a grievance has received Initial Review, an inmate must file an Appeal from Initial Review to the Superintendent. Once an inmate has received a disposition of an appeal from the Superintendent, an inmate must appeal to the Secretary's Office of Inmate Grievances and Appeals and seek a Final Review.

3. In order to be considered to have exhausted administrative remedies, an inmate must submit each grievance to all three steps of review.

4. I have reviewed the grievance appeal records of inmate Cassius Clay, inmate number DQ5954, in relation to the above-captioned case.

5. I found that inmate Clay failed to exhaust administrative remedies with regard to grievance number 49518 in accordance with DC-ADM 804.

6. Specifically, grievance number 49518 was rejected at Initial Review and never pursued further.

This statement and verification is made subject to the penalties of 18 Pa.C.S.A. §4904 relating to sworn falsification to authorities, which provides that if I make knowingly false statements, I may be subjected to criminal penalties.


Tracy Pollack

Date: 8-27-07